United Nations CEDAW/C/JPN/CO/7-8

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
10 March 2016

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of Japan*

1. The Committee considered the combined seventh and eighth periodic reports of Japan (CEDAW/C/JPN/7-8) at its 1375th and 1376th meetings, on 16 February 2016 (see CEDAW/C/SR.1375 and 1376). The Committee's list of issues and questions is contained in document CEDAW/C/JPN/Q/7-8 and the responses of Japan are contained in document CEDAW/C/JPN/Q/7-8/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its combined seventh and eighth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by its pre-session working group and welcomes the oral presentation of the delegation and the further clarification provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party for its large delegation, which was headed by the Deputy Minister for Foreign Affairs, Shinsuke Sugiyama. The delegation comprised representatives from various ministries and government agencies, including the Ministry of Justice; the Ministry of Foreign Affairs; the Ministry of Education, Culture, Sport, Science and Technology; the Ministry of Health, Labour and Welfare; the Cabinet Office; the National Police Agency; and the Permanent Mission of Japan to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2009 of the State party's sixth periodic report (CEDAW/C/JPN/6) in undertaking legislative reforms, in particular the adoption of:

* Adopted by the Committee at its sixty-third session (15 February-4 March).

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(a) Revised Part-time Labour Act, 2014, to improve the treatment of part-time workers, most of whom are women;

(b) Act on the Promotion of Women's Participation and Advancement in the Workplace, in 2015;

(c) Act on the Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography and the Protection of Children, in 2014;

(d) Revised Anti-Stalking Act, in 2013;

(e) Act on Child and Childcare Support, in 2012.

5. The Committee welcomes the State party's efforts to improve its policy framework aimed at accelerating the elimination of discrimination against women and advancing women's rights, such as with regard to the adoption of the following:

(a) Action plan to combat trafficking in persons, in 2014;

(b) Japan revitalization strategy, in 2013;

(c) Third basic plan for gender equality, in 2010;

(d) Fourth basic plan for gender equality, in 2015.

6. The Committee welcomes the State party's ratification of the following international instruments since the consideration of its previous periodic report:

(a) Convention on the Rights of Persons with Disabilities, in 2014;

(b) Convention for the Protection of All Persons from Enforced Disappearance, in 2009.

C. Principal areas of concern and recommendations

Parliament

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

Legal status of Convention, visibility and ratification of the Optional Protocol

8. The Committee notes that under article 98, paragraph 2, of the State party's Constitution, treaties that are concluded and promulgated have legal effect as part of domestic law. The Committee is, however, concerned that the provisions of the Convention have not been fully incorporated into national legislation and that on 28 March 2014 the High Court of Tokyo ruled that it could not recognize the Convention as directly applicable or self-executing. The Committee is also concerned:

(a) That, notwithstanding the State party's efforts to raise awareness, the provisions of the Convention are not sufficiently known in the State party;

(b) That no information has been provided on the time frame within which the State party intends to ratify the Optional Protocol to the Convention;

(c) That the Committee's previous recommendations (CEDAW/C/JPN/CO/6) have not been fully implemented by the State party.

9. **The Committee calls upon the State party:**

(a) To fully incorporate the provisions of the Convention into national legislation;

(b) To intensify existing programmes to raise awareness of the Convention, the Committee's general recommendations and women's human rights among relevant stakeholders in the State party, including government officials, parliamentarians, the legal profession, law enforcement officers and community leaders;

(c) To consider ratifying the Optional Protocol and train members of the legal profession and law enforcement officers on the Committee's jurisprudence under the Optional Protocol;

(d) To consider adopting a national action plan, with clear targets and indicators, on the implementation of the Committee's present concluding observations.

Definition of discrimination against women

10. The Committee remains concerned at the lack of a comprehensive definition of discrimination against women that encompasses both direct and indirect discrimination in both the public and private spheres, in line with article 1 of the Convention. It reiterates that the lack of such a definition constitutes an impediment to the full application of the Convention in the State party.

11. **The Committee reiterates its previous recommendation (CEDAW/C/JPN/CO/6, para. 22) and calls upon the State party to urgently adopt a comprehensive definition of discrimination against women in national legislation in line with article 1 of the Convention, with a view to ensuring that women are protected against both direct and indirect discrimination in all spheres of life.**

Discriminatory laws and lack of legal protection

12. The Committee regrets that its previous recommendations regarding existing discriminatory provisions have not been addressed. The Committee is particularly concerned:

(a) That the Civil Code retains discriminatory provisions since it sets different minimum ages of marriage for women and men at 16 and 18 years of age, respectively;

(b) That the Civil Code continues to prohibit only women from remarrying within a specified period of time after divorce, notwithstanding the decision of the Supreme Court to shorten the period from 6 months to 100 days;

(c) That, on 16 December 2015, the Supreme Court upheld the constitutionality of article 750 of the Civil Code requiring married couples to use

the same surname, which in practice often compels women to adopt their husbands' surnames;

(d) That, despite the abolition in December 2013 of the provision that discriminated against children born out of wedlock in inheritance matters, various discriminatory provisions, including the provision in the Family Register Act concerning the discriminatory description during birth notification, have been retained;

(e) That there is no comprehensive anti-discrimination law that covers intersectional discrimination against women belonging to various minority groups who are frequently subjected to harassment, stigmatization and violence.

13. **The Committee reiterates its previous recommendations (CEDAW/C/JPN/CO/5 and CEDAW/C/JPN/CO/6) and urges the State party to undertake the following without delay:**

(a) **Amend the Civil Code in order to raise the legal minimum age of marriage for women to 18 years of age in order for it to be equal to that of men; revise legislation regarding the choice of surnames for married couples in order to enable women to retain their maiden surnames; and abolish any waiting period for women to remarry upon divorce;**

(b) **Abolish all discriminatory provisions regarding the status of children born out of wedlock and ensure that the law protects them and their mothers from stigma and discrimination in society;**

(c) **Enact comprehensive anti-discrimination legislation that prohibits multiple/intersectional forms of discrimination against women belonging to various minority groups, and protect them from harassment and violence, in line with general recommendation No. 28 (2010) on the core obligations of States parties under article 2.**

National human rights institution

14. The Committee reiterates its concern that the State party has not established an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with a broad mandate to promote and protect women's rights, including protection against multiple forms of discrimination.

15. **The Committee reiterates its previous recommendation (CEDAW/C/JPN/CO/6, para. 24) that the State party establish, within a clear time frame, an independent national human rights institution, in accordance with the Paris Principles and ensure that its mandate covers women's rights and gender equality.**

National machinery for the advancement of women

16. The Committee notes information from the State party that the "Act for the Establishment of the Cabinet Office" clarifies the mandate conferred on the Minister of State for Gender Equality as head of the national machinery for the advancement of women. It is, however, concerned that the roles of the Council for Gender Equality and the Liaison Conference for the Promotion of Gender Equality are not

clearly defined. The Committee is also concerned that the lack of clarity affects coordination and the implementation of policies including gender-budgeting.

17. **The Committee recommends that the State party continue to strengthen the national machinery for the advancement of women by clarifying the roles of its various components to enable it to effectively undertake its activities, including gender mainstreaming and gender-budgeting.**

Temporary special measures

18. The Committee notes the State party's efforts to introduce numerical targets under the third and fourth basic plans on gender equality in order to accelerate de facto equality between men and women. The Committee is, however, concerned at the lack of statutory temporary special measures, including quotas, to address the underrepresentation of women, including ethnic and other minority women, in decision-making positions in the public and private sectors, as well as in political life, especially in the parliament. The Committee is particularly concerned that rather than statutory quotas, the State party continues to use less effective voluntary initiatives and other incentives such as higher evaluations for companies during the bidding process for public procurement.

19. **The Committee reiterates its previous recommendation (CEDAW/C/JPN/CO/5, para. 28) and calls upon the State party to consider using temporary special measures, such as statutory quotas, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, as a necessary strategy to accelerate the achievement of the substantive equality of women and men, in particular to enhance the rights of ethnic and other minority and indigenous women, and women with disabilities, in all areas of the Convention.**

Stereotypes and harmful practices

20. The Committee remains concerned at the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society. The Committee is particularly concerned:

(a) That the persistence of these stereotypes continues to be reflected in the media and educational textbooks and has an impact on educational choices and the sharing of family and domestic responsibilities between women and men;

(b) That the media often depicts women and girls in a stereotypical manner, including as sex objects;

(c) That stereotypes continue to be the root causes of sexual violence against women, and pornography, video games and animation products such as manga promote sexual violence against women and girls;

(d) That sexist speech continues to be directed against women, ethnic and other minority women such as Ainu, Buraku and Zainichi Korean women and migrant women.

21. **The Committee reiterates its previous recommendation (CEDAW/C/JPN/CO/6, para. 30) and urges the State party:**

(a) To intensify its efforts to change social norms that reinforce the traditional roles of women and men and to advocate positive cultural traditions that promote the human rights of women and girls;

(b) To effectively implement existing legal measures and monitoring programmes in order to regulate the production and distribution of pornographic material, video games and animation products that exacerbate discriminatory gender stereotypes and reinforce sexual violence against women and girls;

(c) To review educational textbooks and materials to eliminate discriminatory gender stereotypes;

(d) To adopt legislation to prohibit and sanction sexist speech and propaganda advocating racial superiority or hatred, including attacks on ethnic and other minority women such as Ainu, Buraku and Zainichi Korean women and migrant women;

(e) Through an independent expert body, to regularly monitor and assess the impact of measures taken to eliminate discriminatory gender stereotypes and prejudices against Ainu, Buraku, Zainichi Korean women and migrant women.

Violence against women

22. The Committee notes that the Ministry of Justice established a committee to review the Penal Code in order to address various issues, including: (a) the narrow definition of the crime of rape, which only applies to vagina-penal penetration; (b) raising the low penalties for sex crimes; (c) the adoption of legal provisions explicitly criminalizing marital rape; and (d) the introduction of ex officio prosecution of sex crimes. The Committee is, however, concerned that the committee of the Ministry of Justice that reviewed the Penal Code did not consider it necessary to explicitly criminalize marital rape. It is also concerned that the age of sexual consent remains 13 years and that the minimum penalty for statutory rape is only three years of imprisonment. The Committee is further concerned at:

(a) The lack of provisions in the Penal Code specifically criminalizing incest;

(b) Reports of inordinate delays in the issuance of emergency protection orders by courts, which expose victims of violence, including domestic violence, to a risk of further violence;

(c) Information that migrant women, ethnic and other minorities, and women with disabilities who are victims of violence, including domestic violence, are reluctant to report cases to the authorities, and that migrant women, in particular, fail to do so owing to the risk of having their residence status revoked, as they are required to provide "justifiable reasons" for protection under the Immigration Control and Refugee Recognition Act;

(d) The uncertainty regarding the application of the Spousal Violence Prevention Act to all women in all family settings and the reluctance of the judiciary to issue protective measures in such cases.

23. **Recalling its general recommendation No. 19 (1992) on violence against women, and its previous recommendations (CEDAW/C/JPN/CO/6, para. 30), the Committee urges the State party:**

(a) **To make full use of the provisions of the Convention and the Committee's general recommendation No. 19, as well as its jurisprudence, when amending its Penal Code, in order to ensure that it comprehensively addresses violence against women, including to address domestic violence and incest as specific crimes;**

(b) **To expedite the amendment of the Penal Code to expand the definition of rape and ensure ex officio prosecution of sex crimes;**

(c) **To amend the Penal Code to explicitly criminalize marital rape and raise the minimum penalty for statutory rape;**

(d) **To expedite the judicial process for issuing emergency protection orders;**

(e) **To encourage reporting by victims of all forms of violence against women and girls, particularly migrant women, and ensure that shelters are available and adequately equipped for women victims of violence;**

(f) **To ensure training of lead personnel and that all cases of violence against women and girls are thoroughly and effectively investigated and that perpetrators are prosecuted and, if convicted, adequately punished;**

(g) **To ensure that the Spousal Violence Prevention Act also applies to all women in all family settings.**

24. The Committee notes that under the Eugenic Protection Act, the State party, through the Prefectural Eugenic Protection Committee, sought to prevent births of children with diseases or disabilities and, as a result, subjected persons with disabilities to forced sterilization. The Committee notes that out of approximately 16,500 cases of sterilization without consent, 70 per cent concerned women and that no efforts have been made by the State party to provide redress such as compensation, official apologies and rehabilitation.

25. **The Committee recommends that the State party conduct a study on the extent of past violations in the form of forced sterilizations of women under the Eugenic Protection Act and that it prosecute and adequately punish perpetrators, if they have been convicted. The Committee further recommends that the State party adopt specific measures aimed at providing all victims of forced sterilization with assistance to access legal remedies and that it provide them with compensation and rehabilitative services.**

Trafficking and exploitation of prostitution

26. The Committee notes the adoption by the State party in December 2014 of an action plan to combat trafficking in persons and the establishment of the Council for the Promotion of Measures to Combat Trafficking in Persons. The Committee welcomes efforts by the State party to reform the Industrial Training and Technical Internship Programme by introducing draft legislation, which is before the parliament (Diet). The Committee is, however, concerned that the State party

remains a source, transit and destination country for trafficking in persons, in particular women and girls, for purposes of labour and sexual exploitation and:

(a) That women continue to be subjected to sexual exploitation in the entertainment industry, particularly for prostitution and pornographic film production;

(b) That women and girls coming to the State party under the Industrial Training and Technical Internship Programme continue to be subjected to forced labour and sexual exploitation.

27. **The Committee recommends that the State party:**

(a) Intensify regular labour inspections and other efforts to combat trafficking in persons, particularly women and girls recruited under the Industrial Training and Technical Internship Programme;

(b) Intensify monitoring and inspection programmes targeting establishments that provide adult entertainment and produce pornographic film, in order to prevent sexual exploitation;

(c) Continue efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information with other countries in the region and harmonizing legal procedures to prosecute traffickers;

(d) Provide information in the next periodic report on the implementation of reforms envisaged under the Industrial Training and Technical Internship Programme;

(e) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

"Comfort women"

28. The Committee recalls its previous concluding observations (CEDAW/C/JPN/CO/6, paras. 37 and 38) and also refers to numerous recommendations on the unresolved issue of "comfort women" made by other United Nations human rights mechanisms such as the Committee on the Elimination of Racial Discrimination (CERD/C/JPN/CO/7-9), the Human Rights Committee (CCPR/C/JPN/CO/6), the Committee Against Torture (CAT/C/JPN/CO/2), the Committee on Economic, Social and Cultural Rights (E/C.12/JPN/CO/3), several United Nations special procedures mandate holders of the Human Rights Council and the universal periodic review (A/HRC/22/14/Add.1, for example, paras. 147-145). While noting the efforts by the State party to attempt to resolve the issue of "comfort women", most recently through the bilateral agreement between the State party and the Republic of Korea announced on 28 December 2015, the Committee regrets that the State party has not implemented the aforementioned recommendations and that its position on the issue of "comfort women" does not fall within the mandate of the Committee since the alleged violations occurred prior to the entry into force of the Convention by the State party in 1985. The Committee further regrets:

(a) That, recently, there has been an increase in the number of statements from public officials and leaders regarding the State party's responsibility for

violations committed against "comfort women"; and the announcement of the bilateral agreement with the Republic of Korea, which asserts that the "comfort women" issue "is resolved finally and irreversibly" and did not fully adopt a victim-centred approach;

(b) That some "comfort women" have died without obtaining an official unequivocal recognition of responsibility by the State party for the serious human rights violations that they suffered;

(c) That the State party has not addressed its obligations under international human rights law towards "comfort women" victims in other concerned countries;

(d) That the State party deleted references to the issue of "comfort women" in textbooks.

29. **The Committee reiterates its previous recommendations (CEDAW/C/JPN/CO/6, paras. 37 and 38) and observes that the issue of "comfort women" gives rise to serious violations that have a continuing effect on the rights of victims/survivors of those violations that were perpetrated by the State party's military during the Second World War, given the continued lack of effective remedies for those victims. The Committee, therefore, considers that it is not precluded *ratione temporis* from addressing such violations and urges the State party:**

(a) **To ensure that its leaders and public officials desist from making disparaging statements regarding responsibility, which have the effect of retraumatizing victims;**

(b) **To recognize the right of victims to a remedy, and accordingly provide full and effective redress and reparation, including compensation, satisfaction, official apologies and rehabilitative services;**

(c) **To ensure that, in the implementation of the bilateral agreement announced jointly with the Republic of Korea in December 2015, the State party takes due account of the views of the victims/survivors and ensures their rights to truth, justice and reparations;**

(d) **To adequately integrate the issue of "comfort women" in textbooks and ensure that historical facts are objectively presented to students and the general public;**

(e) **To provide information in its next periodic report on the extent of consultations and other measures taken to ensure the rights of victims/survivors to truth, justice and reparations.**

Participation in political and public life

30. The Committee notes the State party's efforts to promote the participation of women in political and public life by adopting the third and fourth basic plans on gender equality, which sets numerical targets and a specific goal to achieve 30 per cent representation of women in political, public and private life by 2020. The Committee, however, remains concerned at:

(a) The low representation of women at legislative, ministerial, local government (mayoral) levels as well as in the judiciary, diplomatic service and in academia;

(b) The lack of statutory temporary special measures aimed at accelerating de facto equality between men and women in political and public life;

(c) The underrepresentation of women with disabilities, ethnic and other minority women, such as Ainu, Buraku and Zainichi Korean women, in decision-making positions.

31. **The Committee reiterates its previous recommendation (CEDAW/C/JPN/CO/6, para. 42) and calls upon the State party:**

(a) **To adopt more temporary special measures, such as statutory quotas, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations No. 25 and No. 23 (1997) on women in political and public life, in order to accelerate women's full and equal participation in elected and appointed positions;**

(b) **To ensure the effective implementation of the goal set by the third and fourth basic plans on gender equality to achieve 30 per cent representation of women by 2020 at all levels, including legislative, ministerial, local government (mayoral) levels, as well as in the judiciary, in the diplomatic service and in academia;**

(c) **To take specific measures, including temporary special measures, to promote the representation of women with disabilities, and ethnic and other minority women, such as Ainu, Buraku and Zainichi Korean women, in decision-making positions.**

Education

32. The Committee commends the State party for prioritizing equal access for women and girls to all levels of education and the increase in girls' participation in primary and secondary education. The Committee is, however, concerned at:

(a) The wide gender gap in higher education enrolment, particularly at universities and graduate schools, as well as in fields of studies that are traditionally male-dominated, such as science, technology, engineering and mathematics;

(b) The large proportion of women who pursue higher education without completing their four-year university studies, which places them at a disadvantage in the labour market;

(c) The low participation of women in senior management and decision-making positions in educational institutions, and their concentration in lower-level positions, as well as the low number of female professors;

(d) Undue sensitivities by politicians and public officials regarding the content of age-appropriate education on sexual and reproductive health and rights;

(e) Reports of low literacy levels among ethnic and other minority communities, in particular, older women from the Ainu and Buraku ethnic communities;

(f) The lack of data on the educational status of migrant women and women with disabilities, as well as the lack of information on measures to address bullying and expressions of racist sentiments in schools, particularly targeting Zainichi Korean women and girls.

33. **The Committee recommends that the State party:**

(a) **Intensify career guidance activities to encourage girls to pursue non-traditional subjects, such as science, technology, engineering and mathematics, and raise awareness among teaching personnel on the importance of girls completing tertiary education;**

(b) **Take specific measures, including temporary special measures, to improve the representation of women in senior management and decision-making positions in the education sector and to increase the number of female professors;**

(c) **Address public concerns regarding the content and provision of age-appropriate education on sexual and reproductive health and rights so that it is systematically integrated into school curricula;**

(d) **Remove all obstacles to access to education for women and girls with disabilities, migrant women and ethnic and other minority women such as Ainu, Buraku and Zainichi Korean women; and provide information in the next periodic report on their access to education and to scholarships;**

(e) **Enhance measures to prevent, punish and eradicate all forms of violence against women and girls, including bullying and expressions of racist sentiments, in educational institutions, in particular targeting Zainichi Korean women and girls.**

Employment

34. The Committee welcomes the adoption of the Act on the Promotion of Women's Participation and Advancement in the Workplace in 2015, which seeks to empower women in employment, including non-regular workers, ethnic and other minorities. However, the Committee remains concerned at:

(a) The widening gender pay gap, which is partly attributable to the inadequate enforcement of the principle of equal pay for work of equal value;

(b) Continued horizontal and vertical segregation in the labour market and the concentration of women in low-paid sectors of employment, which is partly attributable to the track-based system of employment;

(c) The continued concentration of women in part-time work owing to family responsibilities, which affects their pension benefits and is partly responsible for post-retirement poverty as well as the persistent reports of maternity and child-birth related harassment;

(d) The lack of an adequate prohibition and appropriate sanctions for sexual harassment as well as the fact that the State party has not ratified the core Discrimination (Employment and Occupation) Convention, 1958 (No. 111), of the International Labour Organization (ILO);

(e) The persistence of multiple/intersectional forms of discrimination in the employment sector with regard to indigenous women, minority and other women (Buraku, Korean, Okinawa), women with disabilities and migrant women workers;

(f) The lack of information on the status of women domestic workers in the State party.

35. **The Committee urges the State party:**

(a) To intensify efforts under the Act on the Promotion of Women's Participation and Advancement in the Workplace, 2015, the Labour Standards Act, and other relevant laws, to eliminate structural inequalities and occupational segregation and to reduce the gender pay gap by enforcing the principle of equal pay for work of equal value;

(b) To intensify efforts to promote the use of flexible working arrangements and introduce shared parental leave to encourage men to participate equally in childcare responsibilities; and ensure the provision of adequate childcare facilities;

(c) To adopt legal provisions that prohibit and provide for appropriate sanctions to deter sexual harassment at the workplace; and ensure women's access to justice in cases of discrimination in employment, including on grounds of pregnancy and motherhood;

(d) To conduct regular labour inspections aimed at enforcing compliance with labour laws and codes of conduct on sexual harassment;

(e) To undertake a survey of the employment sector and produce gender statistics, in particular with regard to indigenous and minority women as well as women with disabilities and migrant women workers;

(f) To provide information in the next periodic report on the status of women domestic workers in the State party;

(g) To consider ratifying the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the ILO Domestic Workers Convention, 2011 (No. 189).

Health

36. The Committee notes the efforts made by the State party to address health concerns related to radiation following the Fukushima Daiichi nuclear power plant accident in 2011. The Committee, however, notes with concern the State party's plans to lift the designation of contaminated areas with radiation exposure levels under 20 millisieverts per year as evacuation zones, which may have a disproportionate effect on the health of women and girls.

37. **The Committee recommends that the State party reaffirm that the lifting of the designation of contaminated areas with radiation exposure as evacuation zones is consistent with internationally accepted knowledge on risk factors for women and girls, considering that women are more sensitive to radiation than men. It further recommends that the State party intensify the provision of medical and other services to women and girls affected by radiation, in particular pregnant women in Fukushima prefecture.**

38. The Committee is concerned at the high ratio of abortion and suicide among teenage girls and women in the State party. It is particularly concerned:

(a) That, under article 14 of the Maternal Protection Act, read in conjunction with article 212 of the Penal Code, women can only obtain an abortion in situations in which the continuation of pregnancy or delivery may significantly damage their physical health and in situations in which they have been raped in a violent or

threatening manner or in which they could neither resist nor refuse and become pregnant;

(b) That women are required to get consent from their spouses in order to obtain an abortion;

(c) That suicide rates among women and girls remain high in the State party.

39. **In line with general recommendation No. 24 (1999) on women and health and the Beijing Declaration and Platform for Action, the Committee recommends that the State party:**

(a) **Amend the Penal Code and Maternal Protection Act to ensure the legalization of abortion not only in cases of threats to the life and/or health of a pregnant woman but also in all cases of rape, irrespective of the use of violence, threat against or resistance by the victim, incest and serious fetal impairment and to decriminalize abortion in all other cases;**

(b) **Revise the Maternal Protection Act in order to remove the requirement of spousal consent for pregnant women to obtain an abortion; and ensure that where abortion is sought on the ground of serious fetal impairment, the free and informed consent of the pregnant woman is obtained;**

(c) **Adopt a comprehensive plan with clear targets and indicators aimed at preventing suicide among women and girls.**

Economic and social benefits

40. The Committee notes the State party's efforts to develop strategies for poverty reduction through income-generating activities and access to microcredit. The Committee is, however, concerned at reports of poverty among women, in particular women heads of households, widows, women with disabilities and older women. The Committee is especially concerned at their living conditions owing to a wide gender gap in pension benefits. The Committee is also concerned that the Act on the Provision of Disaster Condolence Grants widens the income disparity between men and women since: (a) the condolence grant is doubled for persons who are the "primary source of income"; and (b) it gives priority to heads of households, who are often men, to access disaster relief loans.

41. **The Committee calls upon the State party to intensify its efforts aimed at poverty reduction and sustainable development. It also calls on the State party to pay special attention to the needs of women heads of households, widows, women with disabilities and older women and to explore the possibility to reform the pension scheme in order to guarantee their minimum standard of living. The Committee further recommends that the State party review the Act on the Provision of Disaster Condolence Grants, in order to integrate a gender equality perspective.**

Rural women

42. The Committee notes the adoption by the State party of a new basic plan for food, agriculture and rural areas in 2015. The Committee is, however, concerned at the low participation of rural women in decision-making, particularly in the formulation of policies and that the Income Tax Act, does not recognize the earnings

of spouses and family members of self-employed individuals and farmers as business expenses, which effectively impedes women's economic independence.

43. **The Committee calls upon the State party to eliminate all barriers that restrict the participation of rural women in policy formulation; and to consider reviewing the Income Tax Act in order to recognize women's work in family enterprises in order to promote their economic empowerment.**

Disaster risk reduction and management

44. The Committee commends the State party for its leadership in disaster risk reduction and management and its contribution to global efforts to adopt the Sendai Framework for Disaster Risk Reduction 2015-2030. The Committee also commends the State party for mainstreaming gender perspectives into its policies on disaster risk reduction and for the adoption of a national basic disaster management plan. However, the Committee is concerned at the low participation of women in leadership roles in the area of disaster risk reduction and management at the national and local levels following the great east-Japan earthquake in 2011.

45. **The Committee recommends that the State party accelerate the participation of women in decision-making and recovery processes related to disasters at all levels, in particular at the local level. It should also continue its efforts aimed at integrating a gender perspective into all sustainable development policies, as well as into disaster risk reduction and post-disaster management.**

Disadvantaged groups of women

46. The Committee is concerned at reports that indigenous and ethnic minorities, such as Ainu, Buraku and Zainichi Korean women, and women with disabilities, lesbian, bisexual and transgender women and migrant women, continue to experience multiple and intersecting forms of discrimination. The Committee is particularly concerned that these women continue to have limited access to health, education and employment.

47. **The Committee calls upon the State party to vigorously pursue efforts aimed at eliminating multiple and intersecting forms of discrimination experienced by indigenous and ethnic minority women, such as Ainu, Buraku and Zainichi Korean women, and women with disabilities, lesbian. bisexual and transgender women and migrant women, which affect their access to health, education and employment and their participation in public life, as well as their experiences with health and education services and at the workplace.**

Marriage and family relations

48. The Committee is concerned at the absence of legislation that governs the distribution of property upon the dissolution of marriage in the State party. It notes that, as a result, property distribution is negotiated and agreed by the couple on the basis of a case law developed under a regime of deferred community property, according to which any property that is proved to have been accumulated while the couple lived together is to be equally divided regardless of the title to it. The Committee is concerned:

(a) That negotiations and agreements on property distribution happen outside legal regulation where power imbalances between women and men exist and, therefore, women are placed at a disadvantage;

(b) That most divorcing women reportedly lack the necessary information and means to demand the disclosure of the financial situation of their husbands, including business and career assets, since the law does not provide any procedural tools and guidelines;

(c) That, under the consent divorce regime, the law does not provide for a judicial review procedure over custody and child support matters that would safeguard the welfare of children with the result that, in cases where no agreement is reached on paying child support, children are left destitute.

49. **In line with its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party:**

(a) **Adopt comprehensive legislation that governs the distribution of all forms of marital property, with clear and defined procedures that can be followed by divorcing spouses;**

(b) **Ensure that divorcing women have access to information enabling them to demand and obtain disclosure of the financial situation of their spouses;**

(c) **Review the law governing custody and child support in order to provide for judicial review proceedings in cases where divorce is reached by consent of the parties, and ensure that the welfare of children, including their economic needs through child support payments, are guaranteed.**

Optional Protocol to the Convention

50. **The Committee encourages the State party to ratify the Optional Protocol to the Convention.**

Beijing Declaration and Platform for Action

51. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

52. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

53. **The Committee requests that the State party ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliament and the judiciary, in order to enable their full implementation.**

Ratification of other treaties

54. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Follow-up to concluding observations

55. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13 (a) and 21 (d) and (e) above.

Preparation of the next report

56. The Committee invites the State party to submit its ninth periodic report in March 2020.

57. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).